

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 14-CV-541

**CERTAIN REAL PROPERTY,
commonly known as
13907 NORTH PORT WASHINGTON
ROAD, MEQUON, WISCONSIN,**

Defendant.

**ORDER LIFTING STAY OF CIVIL FORFEITURE PROCEEDINGS AND
FOR JUDGMENT OF FORFEITURE**

Currently before the court is the plaintiff United States of America's Motion to Lift Stay of Civil Forfeiture Proceedings and Motion for Entry of Judgment of Forfeiture. (ECF No. 59.) On August 1, 2014, the court granted the United States' stipulated motion to stay this matter pending resolution of the related criminal investigation and any criminal prosecution of Claimant Sarah Laux. (ECF No. 41). On January 22, 2015, this court granted the United States' motion to continue the stay until the criminal case against Sarah Laux was resolved. (ECF No. 51). The criminal case

against Sarah Laux is now resolved. (ECF No. 59, ¶ 14(A)-(D); Case No. 14-CR-229 (E.D. Wis.).)

On August 12, 2016, the United States and Claimant Michael Laux (“Laux”) filed a stipulation with the court. (ECF No. 58.) The stipulation dictated that Laux would pay to the United States a sum of \$430,000 in lieu of forfeiting the Defendant Property by October 14, 2016. (ECF No. 58, ¶ 11.) The agreement further stipulated that:

- D. The parties agree that if Claimant Michael Laux fails to pay the United States the sum of \$430,000 on or before October 14, 2016:
 - i. The United States’ agreement to accept the sum of \$430,000 in lieu of forfeiting the Defendant Property shall be automatically withdrawn, without the need for the United States to provide further notice to Claimant Michael Laux; and
 - ii. Claimant Michael Laux consents to the immediate entry of a Judgment of Forfeiture providing for the forfeiture of the Defendant Property to the United States of America;

ECF No. 58, ¶ 11(D)(i)-(ii). On October 10, 2016, Laux’s attorney, Thomas Halloran, advised the United States that Laux will not pay the \$430,000 on or before October 14, 2016. (ECF No. 59, ¶ 21.)

In an October 21, 2016 letter to the court, the United States reported that several entities have not filed a claim in this civil forfeiture case but do have judgment liens against the defendant real property by virtue of having recorded judgments against Sarah Laux in Ozaukee County. (ECF No. 60.) Representatives for the entities—American Equity Investment Life Insurance Company and Wisconsin Lawyers’ Fund for Client Protection—have indicated that they do not intend to contest the forfeiture of

the defendant real property to the United States in this civil forfeiture case. (ECF No. 60.) For those reasons, the United States further requests that all judgment liens currently attached to the defendant real property be extinguished.

IT IS THEREFORE ORDERED that

1. The United States's motion to lift the stay ordered on January 22, 2015 (ECF No. 51) is **granted**. The stay is lifted and vacated.
2. All right, title, and interest in the defendant property, certain real property commonly known as 13907 North Port Washington Road, Mequon, Wisconsin, are forfeited to the United States of America.
3. All judgment liens currently attached to or recorded against the defendant are extinguished.
4. The Internal Revenue Service shall dispose of the defendant real property according to law.
5. The Court shall retain jurisdiction of this cause for the purpose of enforcing the Judgment of Forfeiture.

The Clerk shall enter judgment accordingly.

Dated at Milwaukee, Wisconsin this 24th day of October, 2016.


WILLIAM E. DUFFIN
U.S. Magistrate Judge